

DATE OF ORDER : 26.07.2001

OA 445/2000

1. Brij Bhusan Sharma son of Shri Panna Lal Sharma
Ex. EDMC, Village EDMC, Village Jeewad, Weir
District Bharatpur. Resident of Dhandh Ki Haveli
Near Topan Wala Kua, Weir, District Bharatpur
(Rajasthan).
2. Poonam Sharma w/o Shri Brij Bhusan Sharma, resident
of Dhandh Ki Haveli, Near Topan Wala Kua, Weir,
District Bharatpur (Rajasthan).

.... Applicants

Versus

1. Union of India through Secretary, Ministry of
Communications, Department of Posts, New Delhi.
2. Chief Post Master for Rajasthan, Jaipur.
3. Superintendent of Post Offices, Dholpur Division,
Dholpur.
4. Rajesh Singh, presently working as E.D.M.C.,
Jeewad, Tehsil Weir, District Bharatpur.

.... Respondents.

Mr. Jinesh Jain, Counsel for the applicant.
Mr. N.C. Goyal, Counsel for respondents no. 1 to 3.
None for respondent no. 4

CORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial)

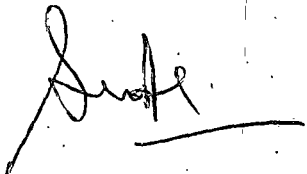
ORDER

PER HON'BLE MR. S.K. AGARWAL, MEMBER (JUDICIAL)

In this Original Application filed u/s 19 of the
Administrative Tribunal's Act, applicant makes a prayer
to quash and set aside the appointment given to respondent
no. 4 as E.D.M.C., Jeewad and to direct the respondents
to consider applicant no. 2 for appointment on compassionate
ground or to provide the same/similar suitable alternative
appointment to applicant no. 1.

....2/-

2. Respondents no. 1 to 3 and Respondent no. 4 have filed separate replies and applicant has filed rejoinder to the reply which is on record.
3. Heard the learned counsel for the parties and also perused the whole record.
4. As per instructions dated 4.8.80, issued by the DG P&T, the compassionate appointment can be considered for one of ~~the~~ the dependant of E.D. official, who dies while in service leaving the family in indigent circumstances subject to conditions applicable to regular employees who dies while in service or retire on invalid pension. It is clear in the instructions that such employment to the dependant should be given only in hard and exceptional circumstances.
5. Admittedly, applicant no. 1 who was working as EDMC, Jeewad w.e.f. 27.10.1970 had lost his eyes because one Shri Rajesh Kumar son of Shri Mangi Lal Gulpuria, resident of Ghantari, Tehsil Weir threw acid in the eyes of applicant no. 1 on 2.11.1988 and applicant was removed to General Hospital, Bharatpur and SMS Hospital, Jaipur but applicant no. 1 completely lost the vision of both the eyes. On perusal of the reply, filed by the respondents, it appears that applicant, Shri Brij Bhusan Sharma, has resigned on the post and on his resignation, respondent Department appointed respondent no. 4, Shri Rajesh Kumar as E.D.M.C., Jeewad, Tehsil Weir, District: Bharatpur. As applicant no. 1 was not retired from service after medical de-categorisation therefore, the case of the applicant does not come within the purview of rule for consideration for appointment on compassionate grounds as applicant himself has resigned from the post. His prayer for alternate employment is also not according to rules, therefore no direction in this regard can be given.



6. The learned counsel for the applicants submits that the circumstances under which applicant resigned may be taken into consideration and direction to respondents may be given for appointment to applicant no. 1 on compassionate grounds or in the alternative for alternate appointment to applicant no. 2. I gave thoughtful consideration to the contention of learned counsel for the applicants and am not inclined to accept the contention of learned counsel for the applicants as according to instructions, issued by the DG P&T from time to time, neither applicant no. 1 is entitled to be considered for appointment on compassionate ground nor any direction can be given to respondents for providing an alternate employment to applicant no. 2.

7. As applicant himself has resigned from the post of E.D.M.C., Jeewad when he has lost his eyes due to throwing of acid by Shri Rajesh Kumar, therefore on the basis of facts and circumstances of this case, I do not find any merit in the prayer of the applicants and this OA is devoid of any merit and is liable to be dismissed.

8. I, therefore, dismiss this OA with no order as to costs.


(S.K. AGARWAL)
MEMBER (J)